

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SASHA GULLEY,

Plaintiff,

-vs-

Case No. 12-C-634

MILWAUKEE PUBLIC SCHOOLS,

Defendant.

DECISION AND ORDER

The defendant, Milwaukee Public Schools, moves to dismiss Sasha Gulley's *pro se* complaint for failure to effect service in a timely manner. Fed. R. Civ. P. 4(m). MPS cites *Coleman v. Milwaukee Bd. of Sch. Dir.*, 290 F.3d 932 (7th Cir. 2002), which explains that under Wisconsin law, service must be made on both the board president and the superintendent of schools. Here, the Court directed the United States Marshal to serve MPS, but did not explain that both of these individuals should be served. As a result, the board president (identified as the "Office of the Board of Governance") was served, but not the superintendent. MPS asks the Court to dismiss pursuant to *Coleman*, but that case is distinguishable because the plaintiff was represented by a lawyer. Gulley can hardly be faulted for not serving either or both entities because she was and is relying on the Court to effect proper service. Therefore, the Court finds good cause to extend the time for service under Rule 4(m).


IT IS HEREBY ORDERED THAT MPS's motion to dismiss [ECF No. 9] is **DENIED**;

IT IS ALSO ORDERED THAT Gulley's motion for default judgment [ECF No. 14] is **DENIED**; and

IT IS FURTHER ORDERED THAT the United States Marshal **SHALL** serve a copy of the summons and complaint upon Dr. Gregory Thornton, the Superintendent of Schools for MPS, whose offices are located at 5225 West Vliet Street, Milwaukee, Wisconsin.

Dated at Milwaukee, Wisconsin, this 28th day of January, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge